

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| PETITION OF BELLSOUTH |) | |
| TELECOMMUNICATIONS, INC., D/B/A AT&T |) | CASE NO. |
| KENTUCKY REQUESTING THE |) | 2007-00401 |
| COMMISSION'S INTERVENTION IN NANPA |) | |
| NXX CODE ASSIGNMENTS (NPA 502) |) | |

O R D E R

On September 7, 2007, BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4) wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

AT&T Kentucky explains that the assignment of two central office codes ("NXX") is needed to meet the numbering demands of the United States Army in Fort Knox, Kentucky ("U.S. Army"), a customer of AT&T Kentucky. Specifically, the customer is requesting NXX codes 612 and 613. This code assignment request is for two growth codes in the 502 NPA to meet the U.S. Army's request for two dedicated codes of

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

10,000 sequential numbers each due to planned personnel expansion at Fort Knox.² AT&T Kentucky does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Rose Terrace rate center and is unable to meet the U.S. Army's specific need for numbering resources. Hence, on August 27, 2007, AT&T Kentucky electronically submitted to the NANPA an application requesting assignment of two special NXX codes in the Rose Terrace rate center in order to address the business needs of the U.S. Army.³ The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, the NANPA concluded that AT&T Kentucky did not meet the FCC's required guidelines for rate-center-based MTE as set forth in the Central Office Guidelines.⁵ Thus, the NANPA determined that AT&T Kentucky's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's

² See AT&T Kentucky's Petition for Review

³ Specifically, the request for code blocks submitted by AT&T Kentucky was for its Rose Terrace switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Rose Terrace rate center was calculated to be 5.688 months with a utilization rate of 58.2 percent at the time of the filing of the code requests.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and all other available remedies have been exhausted. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, the U.S. Army, for two dedicated codes of 10,000 sequential numbers each. AT&T Kentucky advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Rose Terrace rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Rose Terrace rate center to the extent that no combination of existing numbering resources in the Rose Terrace rate center can be employed to meet the customer's demand for two dedicated codes of 10,000 sequential numbers each. According to AT&T Kentucky, its Rose Terrace switch serving the Rose Terrace rate center does not have sufficient numbering resources available within its inventory to meet the customer's specific need.

This Commission finds that the NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and the NANPA directed to assign to AT&T Kentucky two new central office codes, more specifically the 612 and 613 NXX codes, in the Rose Terrace rate center. The

⁶ See generally, 47 C.F.R. § 52.

Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, the U.S. Army, in the Rose Terrace rate center. If the service requested by the U.S. Army is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 502 Numbering Plan Area is granted.
2. The decision of the NANPA denying AT&T Kentucky's request for assignment of two additional central office code blocks in the Rose Terrace rate center is overturned.
3. The NANPA shall assign AT&T Kentucky the 612 and 613 NXX codes for the Rose Terrace switch in the Rose Terrace rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, the U.S. Army, in the Rose Terrace rate center. If the service requested by the U.S. Army is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

Done at Frankfort, Kentucky, this 8th day of October, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director